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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,551	04/03/2000	Yuji Koide	1232-4623	4812
27123	7590	08/23/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			WORKU, NEGUSSIE	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/542,551

Applicant(s)

KOIDE, YUJI

Examiner

Negussie Worku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on April 3, 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on October 18, 2004 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows: Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 10 and 13 rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a claimed asserted utility or a well established utility. Claims 10 and 13 have to indicate a "computer readable" storage medium ----.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claim 3-5, 9-13 recites the limitation “a switch” instead of “the switch”. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 and 6-13, are rejected under 35 U.S.C. 102(b) as being anticipated by Fukasaka (EP0860978A2).

With respect to claim 1, Fukasaka discloses an image sensing apparatus (101 of fig 1), comprising: image sensing means (13 of fig 2), for image-sensing an object and outputting an image signal, see (col.6, lines 23-26), signal processing means (141 of fig 9) for converting the image signal outputted from said image sensing means (140 of fig 9) into digital image data, see (col.12, line 32-33), transmission/reception means (I/F 26 of fig 3), for transmitting/receiving data with an information processing

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apparatus (203 of fig 3), connected to said image sensing apparatus (sensing device 13 of fig 1, connected to processing 203 of fig 3, via a cable or wireless communication, USB interface, see col.9, lines 35-38); and a switch (a button 11 of fig 3, for switching and controlling the image sensing apparatus (103 of fig 3, see col.6, lines 25-30) for controlling said image sensing apparatus, wherein said image sensing apparatus (103 of fig 3), determines, in accordance with a trigger signal, if said information processing apparatus (203 of fig 3) is in a suspended status, and if so, said image sensing apparatus (103 of fig 3) transmits a resume signal to said information processing apparatus, (computer 203 of fig 3).

With respect to claim 2, Fukasaka discloses the image sensing apparatus (103 Of fig 3), further comprising recording means (24 of fig 3) for recording said digital imagedata see (col.10, lines 1-5).

With respect to claim 3, Fukasaka discloses the image sensing apparatus (103 of fig 3), further comprising a switch (buttons 11 of fig 3), having at least a first contact to start image-sensing preparation operation, see (col.10, lines 20-23) and a second contact to said image sensing operation, see (col.10, lines 20-23) and recording, wherein when said first contact is turned on, (when button 11 of fig 3, is turned on), said image sensing apparatus transmits said resume signal to said information processing apparatus (203 of fig 3).

With respect to claim 4, Fukasaka discloses the image sensing apparatus (103 of fig 3), further comprising a switch having at least a first contact to start image-sensing preparation operation, see (col.10, lines 10-15) and a second contact to start image sensing operation (11 of fig 3, a button for application request, see (col.10, lines 20-25), and recording, (24 of fig 3, a recording means) wherein when said second contact is turned on, said image sensing apparatus (103 of fig 3) transmits said resume signal to said information processing apparatus (203 of fig 3).

With respect to claim 5, Fukasaka discloses the image sensing apparatus 9103 of fig 3), further comprising a switch (11 of fig 3) having at least a first contact to start image sensing preparation operation, (power switch see col.10, lines 20-24), and a second contact (shutter button 11 of fig 3, see (col.10, lines 10-15) start image sensing operation and recording, see (col.10, lines 10-15), wherein when said second contact has been turned on and said image sensing operation, see (col.10, lines 20-25), and said recording have been completed, said image sensing apparatus (103 of fig 3), transmits said resume signal to said information processing apparatus (computer 203 of fig 3).

With respect to claim 7, Fukasaka discloses the image sensing apparatus (103 of fig 3), further comprising display means (30 of fig 3) for performing predetermined

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display, wherein when said information processing apparatus (203 of fig 3, are connected to each other via I/F 26 of fig 3) and said information processing apparatus (computer 203 of fig 3), is in the suspended status, (when a predetermined application is not executed, the information processor is in a suspended status, (the application program is automatically initiate the information processing device (computer) 203 of fig 3, by pressing the button 11 of the image sensing device 103 of fig 3, see col. 9, lines 45-50, said display means (30 of fig 3) displays information indicating that said information processing apparatus (203 of fig 1) is suspended.

With respect to claim 8, Fukasaka discloses the image sensing apparatus (103 of fig 3), wherein said transmission/reception means (I/F 26 of fig 3) is based on the USB (Universal Serial Bus) specification, see (col.9, lines 35-39).

With respect to claim 9, Fukasaka discloses a control method for an image sensing apparatus (103 of fig 3) including, an image sensing means for sensing, (col.6, 23-26), an object and outputting an image signal; signal signal multiplexing unit) processing means (signal multiplexing unit 14 of fig 2), for conveting the image signal outputted from said image sensing means (103 of fig 2) into digital image data; transmission reception means (I/F 26 of fig 3), for transmitting/receiving data with an information processing apparatus (203 of fig 3) connected to said image sensing apparatus (103 of fig 3), see (col.10, lines 50-53), a switch (button 11 of fig 3) for controlling said image sensing apparatus, (103 of fig 3), said storage medium

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comprising program codes for: determining, if said information processing apparatus is in a suspended status and if so transmitting a resume signal to said information processing apparatus *(when a predetermined application is not executed, the information processor is in a suspended status, the application program is automatically initiate the information processing device [computer 203 of fig 3], by pressing the button of the image sensing device 103 of fig 3, see col.9, lines 45-50).*

With respect to claim 10, Fukasaka discloses a storage medium (RAM of fig 13) storing a control program codes for controlling an image sensing apparatus (103 of fig 3), see (col.13, lines 25-28), including: image sensing means (103 of fig 3), for sensing an object and outputting an image signal, see (col.6, lines 23-26); signal processing means (14 of fig 2), for converting the image signal outputted from said image sensing means (103 of fig 3), into digital image data, see (col.6, lines 23-26); transmission reception means (I/F 26 of fig 3), for transmitting/receiving data with an information processing apparatus (computer 203 of fig 3), connected to said image sensing apparatus (103 of fig 3) a switch (button 11 of fig 2), for controlling said image sensing apparatus, see (col.19, lines 45-50), said storage medium comprising program code (software application program code stored in RAM 220 of computer 302 of fig 3) for determining, if said information processing apparatus (computer 203 of fig 3) is in a suspended status, and if so, transmitting a resume signal to said information processing apparatus, *(when a predetermined application is not executed, the information processor is in a suspended status, the application program is automatically initiate the*

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information processing device [computer 203 of 5g 3], by pressing the button of the image sensing device 103 of fig 3, see col.9, lines 45-50).

With respect to claim 11, Fukasaka discloses image sensing method an image sensing apparatus (103 of fig 3), see (col.13, lines 25-28), including image sensing means (103 of fig 3), for sensing an object and outputting an image signal, see (col.6, lines 23-26); signal processing means (14 of fig 2), for converting the image signal outputted from said image sensing means (103 of fig 3), into digital image data, see (col.6, lines 23-26); transmission reception means (I/F 26 of fig 3), for transmitting receiving data with an information processing apparatus (computer 203 of fig 3), connected to said image sensing apparatus (103 of fig 3), see (col.10, lines 49-55) a switch for controlling said image sensing apparatus, said image sensing method comprising the step of: a switch (button 11 of fig 3) for controlling said image sensing apparatus, (103 of fig 3) said control method comprising the step of: determining said information processing apparatus (computer 203 of fig 1) is in a suspended status and, if so transmitting a resume signal to said information processing apparatus, *(when a predetermined application is not executed, the information processor is in a suspended status, the application program is automatically initiate the information processing device [computer 203 of 5g 3], by pressing the button of the image sensing device 103 of fig 3, see col.9, lines 45-50).*

With respect to claim 12, Fukasaka discloses a control apparatus for controlling

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an image sensing apparatus comprising: an image sensing means (103 of fig 3), see (col.13, lines 25-28), for sensing an object and outputting an image signal rsee (co1.6, lines 23-26)., signal processing means (14 of fig 2), for conveding the image signal outputted from said image sensing means (103 of fig 3), into digital image data see (col.6, lines 23-26), transmission reception means (I/F 26 of fig 3), for transmitting/receiving data with an information processing apparatus (computer 203 of fig 3), connected to said image sensing apparatus (103 of fig 3 via USB cable see co1.9, lines 35-37); a switch (switch button 11 of fig 3) for controlling said image sensing apparatus, (103 of fig 1), comprising: program codes (software application program code stored in RAM 220 of computer 302 of fig 3), for determining if the information processing apparatus (computer 203 of fig 3) is in a suspended status, and, program code for transmitting, in accordance with information determined by said program codes for determining, a resume signal to the information processing apparatus (the software application program code stored in RAM 220 of computer 302 of fig 3, is automatically initiate the information processing device [computer 203 of fig 3], by pressing the button 11 of fig 3, of the image sensing device 103 of fig 3, see col.9, lines 45-50).

With respect to claim 13, Fukasaka discloses a storage medium (RAM of fig 13) Storing a control program codes for controlling an image sensing apparatus (103 of fig 3), see (col.13, lines 25-28), including: image sensing means (103 of fig 3), for sensing an object and outputting an image signal, see (co1.6, lines 23-26); signal processing means (14 of fig 2), for converting the image signal outputted from said image sensing

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means (103 of fig 3), into digital image data, see (col.6, lines 23-26); transmission reception means (I/F 26 of fig 3), for transmitting/receiving data with an information processing apparatus (computer 203 of fig 3), connected to said image sensing apparatus (103 of fig 3); and a switch (button 11 of fig 2), for controlling said image sensing apparatus, see (col.19, lines 45-50), comprising: program codes (software application program code stored in RAM 220 of computer 302 of fig 3) for determining, if said information processing apparatus (computer 203 of fig 3) is in a suspended status, and program codes for transmitting, in accordance with information determined by said program codes for determining, a resume signal to the information processing apparatus, *(when a predetermined application is not executed, the information processor is in a suspended status, the application program is automatically initiate the information processing device [computer 203 of 5g 3], by pressing the button of the image sensing device 103 of fig 3, see col.9, lines 45-50).*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Negussie Worku
Patent Examiner
Art unit 2626
August 08, 2005



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